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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Global Weather Productions LLC,

Plaintiff,

v.

N.F.A. Productions, LLC,

Defendant.

Case No:

**COMPLAINT FOR:
(1) COPYRIGHT
INFRINGEMENT UNDER
17 U.S.C. §501**

DEMAND FOR JURY TRIAL

Plaintiff Global Weather Productions LLC (“*Plaintiff*”), by and through its undersigned counsel, for its Complaint against defendant N.F.A. Productions, LLC (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement under the Copyright Act, 17 U.S.C §101 *et seq.*

2. Michael Brandon Clement (“*Clement*”) created a video of hurricane

1 damage to Mayfield, Kentucky (the “*Video*”) in which Plaintiff owns the rights and
2 licenses for various uses including online and print publications.

3 3. Defendant owns and operates a social media account on
4 www.instagram.com known as “@nfastudios” (the “*Account*”).

5 4. Defendant, without permission or authorization from Plaintiff, actively
6 copied and displayed the Video on the Account and engaged in this misconduct
7 knowingly and in violation of the United States copyright laws.

8 **PARTIES**

9 5. Plaintiff Global Weather Productions LLC is a Wyoming limited
10 liability company and maintains a principal place of business in Sheridan County,
11 Wyoming.

12 6. Upon information and belief, defendant N.F.A. Productions, LLC, is a
13 California limited liability company with a principal place of business at 840 Santee
14 Street #605, Los Angeles in Los Angeles County, California.

15 **JURISDICTION AND VENUE**

16 7. This Court has subject matter jurisdiction over the federal copyright
17 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

18 8. This Court has personal jurisdiction over Defendant because it
19 maintains its principal place of business in California.

20 9. Venue is proper under 28 U.S.C. §1391(b)(2) because Defendant does
21 business in this Judicial District and/or because a substantial part of the events or
22 omissions giving rise to the claim occurred in this Judicial District.

23 **FACTS COMMON TO ALL CLAIMS**

24 **A. Plaintiff's Copyright Ownership**

25 10. Plaintiff is a professional videography company which is the legal and
26 rightful owner of certain videos which Plaintiff commercially licenses.

27 11. Plaintiff has invested significant time and money in building Plaintiff's
28

1 video portfolio.

2 12. Plaintiff has obtained active and valid copyright registrations from the
3 United States Copyright Office (the “USCO”) which cover many of Plaintiff's videos
4 while many others are the subject of pending copyright applications.

5 13. Plaintiff's videos are original, creative works in which Plaintiff owns
6 protectable copyright interests.

7 14. On December 11, 2021, Clement first published the Video. A copy of
8 a screengrab of the Video is attached hereto as Exhibit 1.

9 15. In creating the Video, Clement personally selected the subject matter,
10 timing, lighting, angle, perspective, depth, lens, and camera equipment used to
11 capture the video recording and made each and every artistic determination
12 necessary for the creation of the work.

13 16. On January 20, 2022, the Video was registered by the USCO under
14 Registration No. PA 2-339-957.

15 17. Clement created the Video with the intention of it being used
16 commercially and for the purpose of display and/or public distribution.

17 18. Plaintiff acquired the rights in and to the Video by way of written
18 assignment.

19 **B. Defendant's Infringing Activity**

20 19. Defendant is the registered owner of the Account and is responsible for
21 its content.

22 20. Defendant is the operator of the Account and is responsible for its
23 content.

24 21. The Account is a key component of Defendant's popular and lucrative
25 commercial enterprise.

26 22. Upon information and belief, Defendant has not implemented adequate
27 internal policies to verify copyright ownership before content use, indicating a gross
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1 negligence in legal compliance, which is essential for a company with Defendant's
2 reach, capabilities, and level of sophistication.

3 23. Upon information and belief, Defendant's internal policies, if any, are
4 either not designed to verify copyright ownership before content use or are
5 systematically ignored, indicating a willful, recurring disregard for copyright
6 compliance.

7 24. Defendant's failure to adopt or effectively enforce internal copyright
8 policies, if any, indicates *de facto* willful infringement.

9 25. On or about December 17, 2021, without permission or authorization
10 from Plaintiff, Defendant volitionally copied and displayed the Video on the
11 Account as part of an on-line post at URL:
12 https://www.instagram.com/tv/CXmop_cvi4N/. A copy of a screengrab depicting
13 the Infringement is attached hereto as Exhibit 2.

14 26. The Infringement is a copy of Plaintiff's original video recording that
15 was directly copied and displayed on the Account by Defendant.

16 27. Plaintiff first observed the Infringement on November 22, 2024.

17 28. Upon information and belief, the Video was copied and displayed by
18 Defendant without license or permission, thereby infringing on Plaintiff's copyrights
19 in and to the Video.

20 29. The Infringement includes a URL ("*Uniform Resource Locator*") for a
21 fixed tangible medium of expression that was sufficiently permanent or stable to
22 permit it to be communicated for a period of more than a transitory duration and
23 therefore constitutes a specific infringement.

24 30. Upon information and belief, Defendant takes an active and pervasive
25 role in the content posted on its Account, including, but not limited to copying,
26 posting, selecting, commenting on, and displaying video recordings including but
27 not limited to Plaintiff's Video.
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1 31. Upon information and belief, the Video was willfully and volitionally
2 posted to the Account by Defendant.

3 32. Upon information and belief, Defendant was aware of facts or
4 circumstances from which the determination regarding the Infringement was
5 apparent. Defendant cannot claim that it was not aware of the infringing activities,
6 including the specific Infringement which forms the basis of this complaint, since
7 such a claim would amount to only willful blindness to the Infringement on the part
8 of Defendant.

9 33. Upon information and belief, Defendant engaged in the Infringement
10 knowingly and in violation of applicable United States copyright laws.

11 34. Upon information and belief, Defendant had complete control over and
12 actively reviewed and monitored the content posted on the Account.

13 35. Upon information and belief, Defendant has the legal right and ability
14 to control and limit the infringing activities on its Account and exercised and/or had
15 the right and ability to exercise such right.

16 36. Upon information and belief, Defendant has received a financial benefit
17 directly attributable to the Infringement.

18 37. Upon information and belief, the Infringement increased traffic to the
19 Account and, in turn, caused Defendant to realize an increase in its business
20 revenues.

21 38. Upon information and belief, a large number of people have viewed the
22 unlawful copy of the Video on the Account.

23 39. Upon information and belief, Defendant at all times had the ability to
24 stop the reproduction and display of Plaintiff's copyrighted material.

25 40. Defendant's use of the Video harmed the actual market for the Video.

26 41. Defendant's use of the Video, if widespread, would harm Plaintiff's
27 potential market for the Video.
28

1 copyrights.

2 51. Defendant's reproduction of the Video and display of the Video
3 constitutes willful copyright infringement.

4 52. Upon information and belief, Defendant willfully infringed upon
5 Plaintiff's copyrighted Video in violation of Title 17 of the U.S. Code, in that
6 Defendant used, published, communicated, posted, publicized, and otherwise held
7 out to the public for commercial benefit, Plaintiff's original and unique Video
8 without Plaintiff's consent or authority.

9 53. As a result of Defendant's violations of Title 17 of the U.S. Code,
10 Plaintiff is entitled to an award of actual damages and disgorgement of all of
11 Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504
12 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for
13 statutory damages against Defendant for each infringement pursuant to 17 U.S.C. §
14 504(c).

15 54. As a result of the Defendant's violations of Title 17 of the U.S. Code,
16 the court in its discretion may allow the recovery of full costs as well as reasonable
17 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.

18 55. As a result of Defendant's violations of Title 17 of the U.S. Code,
19 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of
20 Plaintiff's copyright pursuant to 17 U.S.C. § 502.

21 **JURY DEMAND**

22 56. Plaintiff hereby demands a trial of this action by jury.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE**, Plaintiff respectfully requests that the Court enters a
25 judgment finding that Defendant has infringed on Plaintiff's rights to the Video in
26 violation of 17 U.S.C. §501 *et seq.* and therefore award damages and monetary
27 relief as follows:
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- a. finding that Defendant infringed Plaintiff's copyright interest in and to the Video by copying and displaying it without a license or consent;
- b. for an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504(b) in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant for each infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any infringing use of any of Plaintiff's works;
- d. for costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- e. for pre-judgment interest as permitted by law; and
- f. for any other relief the Court deems just and proper.

DATED: January 22, 2025

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